

FIFTIETH DAY.

Senate Chamber,
Austin, Texas,
April 15, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodruff.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.**Motion to Suspend Rule.**

Senator Burns moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Martin.
Blackert.	Moore.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.

Sulak.
Van Zandt.

Westerfeld.
Woodruff.

Absent—Excused.

Fellbaum. Regan.

Senate Bill No. 497.

By Senator Burns:

S. B. No. 497, A bill to be entitled "An Act to provide that the District Attorney of the 12th Judicial District of Texas shall receive the same per diem for not to exceed 15 days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature as he receives now under the provisions of said acts; providing that nothing herein shall change the law effective on this date with reference to the expenses of said district attorney while in the performance of his official duties outside of the county of his residence, and declaring an emergency."

Read and referred to the Committee on Judicial Districts.

Motion to Suspend Rule.

Senator Holbrook moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.

Senate Bill No. 498.

By Senator Holbrook:

S. B. No. 498, A bill to be entitled "An Act prohibiting the taking, removing and carrying away of sand,

marl, shell, gravel, or other material from land located between any seawall and waters edge or from any beach or shore line within this State within three hundred feet of the mean low tide line and within one-half mile of the end of any seawall for any purpose other than that necessary or incident to navigation or dredging under State or Federal authority; fixing a penalty for any violation of the provisions of this Act; providing that if any part of this Act be declared unconstitutional, it shall not affect any remaining part, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

Motion to Suspend Rule.

Senator Hornsby moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.

Senate Bill No. 499.

By Senator Hornsby:

S. B. No. 499, A bill to be entitled "An Act granting permission to the International-Great Northern Railroad Company, Chicago Burlington and Quincy Railroad Company and any other railroad company or carrier interested in a shipment of a ear load of steel wheels, with and without rubber tires and also, extra weight steel and iron shipped by the Highway Department of the State of

Texas which is also the State Highway Commission of the State of Texas, over said railroads to Davenport, State of Iowa, consigned to French & Hecht, on or about March 22nd., 1932, which shipment was refused acceptance by consignee and payment of freight charges and demurrage remain unpaid by consignor, to bring suit against the State of Texas and the State Highway Commission of Texas in any court of competent jurisdiction in Travis County, Texas, etc., and declaring an emergency."

Read and referred to Committee on State Affairs.

Senate Resolution No. 73.

Senator Redditt sent up the following resolution:

Whereas, Honorable Jose L. Gonzalez, Director General of Highways of the Republic of Mexico, and his son, Honorable Guillermo Gonzalez, a prominent and distinguished civil engineer of the Republic of Mexico, are visiting in the United States and will be in Austin, Texas, this week; and,

Whereas, Director General Gonzalez has played an important part in the construction of the new highway between Laredo, Texas, and Mexico City; and,

Whereas, In the next few months the highway between Laredo, Texas and Mexico City will be opened to the traveling public resulting in many citizens of the United States having an opportunity of visiting the Republic of Mexico; and,

Whereas, The completion of this highway will result in great benefit and good to the Republic of Mexico and to the people of the United States, especially to the people of Texas, increasing their good will and friendship toward each other; be it therefore

Resolved, by the Senate of the State of Texas that Honorable Jose L. Gonzalez and his son, Honorable Guillermo Gonzalez, be given the courtesies of the floor of the Senate of Texas and be invited to address the Senate upon their arrival in Austin, Texas.

REDDITT.

Read.

S. R. No. 73, was unanimously adopted.

Senate Resolution No. 74.

Senator Burns sent up the following resolution:

Whereas, The Hon. T. H. McGregor is within the corridors of the Capitol and wishes to extend an invitation to the Senate of Texas in person to attend a barbecue, Monday, April 22nd; therefore, be it

Resolved, by the Senate of Texas, that he be invited to address the Senate at this time.

BURNS.

Read.

S. R. No. 74 was adopted unanimously.

Committee Appointed.

The Chair, Senator DeBerry presiding, appointed Senators Burns, Pace and Hornsby to escort Senator McGregor to the platform.

The Chair presented Senator Hornsby who in turn presented former Senator T. H. McGregor.

Motion to Suspend Rule.

Senator Hopkins moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.

Senate Bill No. 500.

By Senator Hopkins:

S. B. No. 500, A bill to be entitled "An Act to amend Section 4, S. B. No. 9, Chapter 5, Acts Second Called Session, Forty-third Legislature, and

S. B. No. 118, Regular Session, Forty-fourth Legislature, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Motion to Suspend Rule.

Senator Davis moved to suspend the constitutional rule relating to the time for introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.

Senate Bill No. 501.

By Senators Davis and Beck:

S. B. No. 501, A bill to be entitled "An Act authorizing the creation of The Texas National Guard Armory Board, defining its personnel, the duties and functions of said board, making an appropriation, and declaring an emergency."

Read and referred to the Committee on Military Affairs.

S. C. R. No. 38.

Senator Poage sent up the following resolution:

Whereas, The Brazos water shed contains one-sixth of the area and 27% of the population of the State of Texas, being practically as large as each of the States of New York or Pennsylvania, and being larger in area than the whole of the States of Massachusetts, Connecticut, Rhode Island, Delaware, New Hampshire, Vermont and New Jersey, and containing a greater population than the whole of the States of Wyoming, Idaho, Nevada, Arizona and New Mexico combined; and,

Whereas, This great area contains much of the richest and most fertile lands in the Union and is favored by a climate mild enough to make it an ideal home for a great people; and,

Whereas, This great area is subject to recurrent and disastrous overflows, destroying the lands, crops and homes of the residents of the valley, and is at other seasons afflicted with drought and shortage of water, both of which conditions can and should be remedied by proper control of the waters of the stream and its tributaries; and,

Whereas, The Texas Board of Water Engineers has heretofore prepared a master plan for the control of the waters of the Brazos River and its tributaries so that same may be controlled and stored for beneficial use and the valley protected from flood and drought, the flow of the streams may be assured, and a generous supply of hydro-electric power may be produced; and,

Whereas, The Legislature of Texas has heretofore made appropriate provision for the development of this great project as a co-ordinated whole and in keeping with a well worked over engineering plan; and,

Whereas, The State of Texas has through its Legislature heretofore evidenced its good faith in this project by creating a number of years ago a public agency known as the Brazos River Conservation and Reclamation District and by making available for the assistance of said District in the construction of dams, reservoirs and other structures necessary for the control of said river, the sum of Six Million One Hundred and Eighty Thousand Dollars of State tax money; and,

Whereas, We know of no State which has evidenced its belief in the stability and soundness in any public work project in such a substantial manner as has the State of Texas; and,

Whereas, No substantial amount of public work has been done in the State of Texas, and less than three million of the sixty million dollars allotted to Texas for public works has actually been made available as yet in this State; and,

Whereas, The Federal Government has long followed the policy of aid-

ing in and in many cases paying all of the cost of constructing many less comprehensive projects, and this without any substantial State aid, but said government has not assisted in any project of outstanding magnitude in this State; and,

Whereas, Bills have been introduced in both the House of Representatives and the Senate of the United States by Honorable Luther Johnson and by our Senator, respectively, which bills are identical and provide for substantial Federal aid to assist the Brazos River Conservation and Reclamation District in constructing the necessary works to effect the control of the Brazos River and its tributaries; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the United States Senators and Representatives from this State in the Federal Congress be and they are hereby urged to exert their utmost efforts to secure speedy and favorable action on the aforementioned legislation providing for Federal Aid to the Brazos River Conservation and Reclamation District.

POAGE,
STONE,
SANDERFORD,
ONEAL,
HOPKINS,
HOLBROOK,
MARTIN.

Read.

Senator Poage asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 38, be taken up and considered at this time.

Unanimous consent was granted.

S. C. R. No. 38 was adopted by viva voce vote.

Senate Bill No. 502.

Senator Moore sent up the following local bill:

By Senator Moore:

S. B. No. 502, A bill to be entitled "An Act to amend Article 8245 of the Revised Civil Statutes of Texas, 1925, providing for the employment of persons necessary for the construction, maintenance, operation, and development of navigation dis-

tricts, their business and facilities, prescribing their duties and compensation in counties having a navigation district in which there is a city of more than 100,000 in population according to the last preceding Federal census, and in which navigation district an election has resulted favorably to the development of a port as provided in Subdivision 2 of Title 128, Revised Civil Statutes of Texas, 1925, etc., and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Motion to Suspend Rule.

Senator Moore moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.

Senate Bill No. 503.

By Senator Moore:

S. B. No. 503, A bill to be entitled "An Act to amend Revised Statutes, Article 377, as amended by Chapter 15, of the Acts of the Forty-first Legislature, First Called Session, so as to provide for and regulate reviving charters of banking corporations at or after the same have expired by lapse of time; to ratify, confirm and validate certain extensions of charters heretofore made or attempted by banking corporations; and declaring an emergency."

Read and referred to the Committee on Banking.

Senate Bill No. 498.

Senator Holbrook moved to suspend the regular order of business and take up S. B. No. 498.

The motion prevailed by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.

The Chair laid before the Senate the following bill:

By Senator Holbrook:

S. B. No. 498, A bill to be entitled "An Act prohibiting the taking, removing and carrying away of sand, marl, shell, gravel, or other material from land located between any seawall and waters edge or from any beach or shore line within this State within three hundred feet of the mean low tide line and within one-half mile of the end of any seawall for any purpose other than that necessary or incident to navigation or dredging under State or Federal authority; fixing a penalty for any violation of the provisions of this Act; providing that if any part of this Act be declared unconstitutional, it shall not affect any remaining part, and declaring an emergency."

Senator Holbrook explained the bill and moved the adoption of the committee report.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 498 was put

on its second reading by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 498 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum. Regan.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Martin.
Davis.	Moore.
DeBerry.	Neal.
Duggan.	Oneal.

Pace.	Small.
Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

Fellbaum. Regan.

Messages from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Executive Office,

Austin, Texas, April 15, 1935.

To the Members of the Forty-fourth Legislature.

I have been informed by those charged with the duty of enforcing the oil conservation laws of this State that if H. B. No. 581 were speedily enacted into law, it would result in the final and complete establishment of law and order in the oil industry of this State.

This bill if enacted, to my mind, will certainly curtail the handling of hot gasoline by trucks over the State.

Representatives of this great State are appearing before a Senate committee of the Congress of the United States Wednesday for the sole purpose of protecting State Sovereignty. The whole clamor for Federal control of the oil industry has been based on the alleged failure of Texas to enforce conservation.

This will perhaps be my only message to your honorable body. It cannot be really designated a message—more properly a request.

Unacquainted as I am with the technique of legislative procedure, I do know that the Honorable House of Representatives and the Senate of Texas can by the suspension of your rules and authorizing constitutional provisions—or something—pass this bill finally and have it down on the desk of your present Governor in time for him to notify Washington authorities that the last legal peg necessary to stop the flow of hot oil in Texas has been enacted. I plead with the Speaker of the House and all Representatives and the President of the Senate, the members of that august body, and the committees thereof for coopera-

tion—and plenty of it—in the enactment of H. B. No. 581 into law.

Respectfully submitted,

WALTER F. WOODUL.

Governor of Texas.

Read.

Executive Office,

Austin, Texas, April 15, 1935.

To the Senate of the Forty-fourth Legislature.

Heretofore I submitted for appointment on the Board of Regents of the State Teachers Colleges the name of J. H. Powell, of Navasota, Grimes County, to succeed Ward Templeman, deceased. This appointment was confirmed by the Senate.

Mr. Powell has advised me that he will be unable to accept this appointment, and will not qualify.

Therefore, I respectfully ask the advice, consent and confirmation of the Senate to the appointment of V. A. Collins, of Livingston, Polk County, as member of the Board of Regents for the State Teachers Colleges to succeed Ward Templeman, deceased, for the term to expire with the convening of the Legislature in 1939.

I respectfully ask the advice, consent and confirmation of the Senate to the following additional appointment:

To be Judge of the 37th Judicial District of Bexar County:

Harry L. Howard, of San Antonio, Bexar County.

Respectfully submitted,

JAMES V. ALLRED,

Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Executive Office,

Austin, Texas, April 15, 1935.

To the Senate of the Forty-fourth Legislature.

I have vetoed and am returning herewith S. B. No. 475, an Act creating the Special Third District Court of Anderson, Henderson and Houston Counties. I have disapproved this bill for the following reasons:

In an early message to the Legislature suggesting the creation of specified emergency courts in the East Texas oil fields I stated that I did not expect to ask the Legislature for any additional courts.

Conditions in the Counties of Anderson, Henderson and Houston, where this court is proposed, do not begin to compare with the congested and crowded dockets of the East Texas oil field counties.

I am opposed to the creation of any additional courts. I think we have enough district courts in Texas. The law now provides for the transfer of judges from one district to another so as to clear up crowded dockets. I am personally familiar with the conditions in the new proposed district and feel that vigorous action on the part of authorities there, together with other judges who could be called in, will clear up any congestion of the dockets in the affected counties.

This bill not only creates a new district court at an additional expense to the taxpayers, but creates the office of assistant district attorney at a salary of \$2,700.00. The district is composed of only three counties and, in my judgment, there is no necessity for such additional expense.

Under the circumstances and in view of the tremendous deficit in our State Treasury, I feel it is my duty to veto this bill.

Respectfully,

JAMES V. ALLRED,

Governor of Texas.

Read.

House Bill No. 388.

Senator Hopkins sent up the following conference committee report:

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

and

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the two houses on H. B. No. 388, providing for a new article to the Revised Civil Statutes, 1925, to be known as Article 6954-a, providing a method for holding elections to determine whether turkeys shall be permitted to run at large in political subdivisions in Guadalupe, Hardeman, Gonzales and Wise Counties, do recommend that the bill be

passed in the form, text and substance as submitted herewith.

KNETSCH,
JONES of Wise,
McKEE,
ROANE,
MOFFETT,

On part of the House.

MARTIN,
HOPKINS,
HOLBROOK,
COLLIE,
COTTEN,

On part of the Senate.

A BILL

To Be Entitled

An Act adding a new Article to the Revised Civil Statutes of Texas, 1925, to be known as Article 6954-a, providing a method for holding elections to determine whether turkeys shall be permitted to run at large in political subdivisions of Guadalupe, Hardeman, Gonzales and Wise Counties; providing that if the freeholders of any such political subdivisions determine, at an election called for the purpose, to prevent turkeys from running at large in such counties, the provisions of Articles 6957 to 6971, inclusive, shall be applicable thereto, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a new Article be added to the Revised Civil Statutes of Texas, 1925, to be known as Article 6954-a, to read as follows:

"Article 6954-a. Upon the written petition of twenty-five (25) freeholders of any political subdivision of Guadalupe, Hardeman, Gonzales and Wise Counties, the Commissioners' Courts of such counties shall order an election to be held in such subdivisions, which subdivisions shall be described in the petition and defined by the Commissioners' Courts, on the day named in the order for the purpose of enabling the freeholders of such subdivisions to determine whether turkeys shall be permitted to run at large in such subdivisions of such counties. The requisites of the petition, the order of the Court, the order of the County Judge, the election and all proceedings thereunder shall be the same

as prescribed in Articles 6957 to 6971, inclusive, of the Revised Civil Statutes of Texas, 1925, Title 121, Chapter 6, and all provisions thereof, relative to stock running at large, the impounding thereof, and the penalty therefor shall be applicable to turkeys running at large in the event any such subdivision of said Counties shall by election prohibit the running at large of turkeys by a vote as in such Statutes provided; provided that the fees for impounding turkeys shall be ten (10) cents per day for each turkey so impounded."

Sec. 2. The fact that there is now no adequate law by which citizens of Guadalupe, Hardeman, Gonzales, and Wise Counties may prohibit turkeys from running at large and depredating growing crops, and the urgency of such measures, creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read in each House on three several days be, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Read.

On motion of Senator Hopkins the conference committee report was adopted by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert.	Regan.
Fellbaum.	

Senate Resolution No. 73.

In accordance with S. R. No. 73, the Chair, Senator Rawlings presiding, appointed Senators Redditt and Pace to escort the Hon. Jose L. Gonzalez, Director General of Highways

of the Republic of Mexico, and his son, Hon. Guillermo Gonzalez, to the platform. Members of the State Highway Commission, Hon. Harry Hines, chairman, and members John Wood and D. K. Martin and Highway Engineer Gib Gilchrist, also accompanied the distinguished visitors and occupied seats on the platform.

The Chair presented Senator Redditt who presented Hon. Jose L. Gonzalez and Hon. Guillermo Gonzalez, and each of the distinguished visitors addressed the Senate briefly.

Senate Resolution No. 75.

Senators Hopkins and Sanderford sent up the following resolution:

S. R. No. 75.

Whereas Professor Grady Harlan, head of the Department of Voice at Southwest Texas State Teachers' College, is in the corridors and has present with him the official school quartet composed of four young ladies; and

Whereas, This quartet has been invited to give a program for one of the Austin service clubs on this date, therefore, be it

Resolved, That Prof. Harlan be invited to bring the quartet to the floor of the Senate for the purpose of singing some of their selections.

HOPKINS,
SANDERFORD,

Read and adopted unanimously.

The Chair appointed Senators Hopkins and Sanderford to escort Prof. Harlan and the young ladies into the Senate Chamber.

Senator Hopkins presented Prof. Harlan and he presented the young ladies quartet to the Senate and they sang several numbers.

Senate Bill No. 504.

Senator Stone sent up the following local bill:

By Senator Stone:

S. B. No. 504, A bill to be entitled "An Act providing for a rural school supervisor, prescribing qualifications and duties of said rural school supervisor, providing for the payment of the salary of said rural school supervisor, in counties having a population of 21,830 to 22,080, according to the Federal census of 1930, and a scholastic population of not less than 6,200, as shown by the scholastic census report for the

school year 1934-35, and declaring an emergency."

Read and referred to the Committee on State Affairs.

House Bill No. 327.

Senator Duggan called from the table H. B. No. 327, which had been made special order.

By Mr. Russell, et al:

H. B. No. 327, A bill to be entitled "An Act appropriating five million dollars (\$5,000,000) per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1935, and ending August 31, 1937, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal funds appropriated for the purpose of conducting vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children; attaching conditions, regulations and limitations relative thereto, etc., and declaring an emergency."

(With committee amendments.)

Senator Poage sent up the following substitute for committee amendment No. 4:

Amend Section 1 of H. B. No. 327, page 3, line 8, by striking out the words "General Revenue Fund" and by inserting in lieu thereof the following:

"Educational Equalization Fund," and by adding at the end of said Section 1, the following:

"It is hereby declared to be the intent of the Legislature to provide funds for the support of the public schools of this State sufficient to pay a per capita apportionment of \$16.50 and an equalization payment of five million dollars per year.

"It is further declared to be the intent of the Legislature to provide that the General Revenue funds of this State shall make up any deficit arising in either the State Available School Fund or Educational Equalization Fund by reason of a lack of revenue with which to pay a per capita apportionment of \$16.50 per year and payments to schools out of the Educational Equalization Fund of five million dollars per year, therefore:

"The Comptroller of Public Accounts and the Treasurer of the State

of Texas are hereby authorized and it shall be their duty to set up a fund to be known as the Educational Equalization Fund. All funds derived from taxes, licenses and fees which under the present statutes are now being placed to the credit of the State Available School Fund, and which are not expressly required to be placed in said fund by the Constitution of this State shall on and after September 1st, 1935, be placed in the Educational Equalization Fund.

"It shall be the duty of the Comptroller of Public Accounts and the Treasurer of the State of Texas to transfer on September 1st, 1936, and on September 1st, 1937, from the Educational Equalization Fund hereby established an amount of money sufficient, when added to the funds paid into the State Available School Fund by reason of the constitutional requirement to provide a per capita apportionment of \$16.50 per scholastic for the preceding fiscal year, and if on either of such dates there should not be in said Educational Equalization Fund sufficient money to provide such per capita, then any balance necessary to bring such per capita to the sum of \$16.50 shall be transferred out of the General Revenue Fund of this State and the Comptroller of Public Accounts, and the Treasurer are hereby authorized and instructed to transfer such sum, and it shall be the duty of the State Superintendent of Public Instruction to certify to the Comptroller of Public Accounts on or before 1st day of August, 1936, and on or before the 1st day of August, 1937, the number of such scholastics for said fiscal year, and the apportionment above mentioned shall be based upon such number of scholastics.

"It shall be the further duty of the Comptroller of Public Accounts and the Treasurer of the State of Texas to transfer on the last day of each calendar month during the biennium beginning September 1st, 1935, from the General Revenue Fund of this State such sums of money as may on each of such dates be necessary when added to the funds paid into the Educational Equalization Fund during the preceding portion of each fiscal year to make a sum sufficient in such Educational Equalization Fund to pay all outstanding warrants against said fund not exceeding five million dollars for each

fiscal year ending on the 31st day of August 1936 and 1937, respectively."

POAGE.

Point of Order.

Senator DeBerry raised the following point of order on the amendment by Senator Poage:

Mr. President, I raise the following point of order against the substitute by Senator Poage for committee amendment No. 4 to H. B. No. 327, which violates Section 36 of Article 3 of the Constitution in that it attempts to amend numerous statutes by reference. This amendment would amend the cigarette tax statute and many others because it would attempt to reduce the amount of revenue now allocated to the available school fund under those statutes.

Section 36 of Article 3 reads as follows:

"Section 36. No law shall be revived or amended by reference to its title; but in such case the Act revived, or the section or sections amended, shall be re-enacted and published at length.

Court of Civil Appeals in the case of State Bank of Barksdale versus Cloudt, 258 S. W. 248, says as follows:

"There is no constitutional inhibition of the repeal of the law by reference to its title." This section requiring an act to be revived or amended to be published at length, but applicable only to revival or the amendment of a statute and not to its repeal.

Committee Amendment No. 1.

Amend H. B. No. 327, page 3, Section 2, by eliminating all of the section following the word "scholastics" in line 3 of said section.

Motion to Table.

Senator DeBerry moved to table Committee Amendment No. 1.

The motion to table prevailed by the following vote:

Yeas—15.

Burns.	Pace.
Collie.	Redditt.
Cotten.	Shivers.
DeBerry.	Sulak.
Hill.	Van Zandt.
Hopkins.	Westerfeld.
Hornsby.	Woodruff.
Neal.	

Nays—10.

Beck.	Poage.
Duggan.	Rawlings.
Holbrook.	Sanderford.
Moore.	Small.
Oneal.	Stone.

Absent.

Davis.	Martin.
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Absent—Excused.

Blackert.	Regan.
Fellbaum.	

Committee Amendment No. 2.

Amend H. B. No. 327, Section 4, page 4, by eliminating all of the section beginning with the word "Provided" at the bottom of page 4.

Read and adopted.

Motion to Recess.

Senator Hill at 12:00 o'clock m., moved that the Senate recess until 2:00 o'clock p. m.

Motion pending.

Motion to Suspend Rule.

Senator Hornsby received unanimous consent to suspend the regular order of business and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert.	Regan.
Fellbaum.	

Senate Bill No. 505.

By Senators Hornsby, Holbrook, Hopkins, Sulak, Regan, Woodul, Rawlings, Davis, Duggan, Poage, Woodruff, Van Zandt, Cotten, Neal,

Westerfeld, Martin, Sanderford, Redditt, Beck, Hill, Burns, Stone, Small, Shivers, Fellbaum, Blackert:

S. B. No. 505, A bill to be entitled "An Act authorizing the Lower Colorado River Authority to issue bonds not to exceed twenty million dollars (\$20,000,000) in aggregate principal amount, repealing that portion of the Colorado River Authority Act limiting the amount of bonds which may be issued by such district to ten million dollars (\$10,000,000), and all other laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 475.

Senator Cotten submitted the following written motion:

Mr. President: The Governor has vetoed S. B. No. 475. I move that said S. B. No. 475 be passed notwithstanding the veto of the Governor, and that the motion be spread on the Journal.

Senate Resolution No. 76.

Senator Holbrook sent up the following resolution:

Whereas, On February 19, 1935, an opinion was furnished to Honorable Lon A. Smith, member of the Railroad Commission of Texas, by a member of the Attorney General's Department concerning certain provisions of the Motor Carrier Act; and,

Whereas, The said opinion appears to be against the holdings of the Supreme Court of the United States as clearly set forth in the case of Frost and Frost vs. Railroad Commission of California, 271. U. S. 570; the case of Michigan Public Utilities Commission, et al., vs. Duke, D. B. A. Duke Cartage Company, 266, U. S. 570, and other cases cited therein; and,

Whereas, The effect of such opinion if enforced would cause irreparable injury to the commerce of this State; therefore, be it

Resolved by the Senate, That the Attorney General is hereby requested to give this matter his personal attention and to have issued a conference opinion in lieu of the letter opinion above referred to.

HOLBROOK.

Read and adopted unanimously.

Senate Bill No. 489.

Senator Oneal received unanimous consent to suspend the regular order of business and take up S. B. No. 489.

The Chair laid before the Senate on its second reading the following bill:

By Senator Oneal:

S. B. No. 489, A bill to be entitled "An Act to provide rules of practice and procedure in district courts sitting for all of their terms or for only some of their terms in a county where three district courts, with both civil and criminal jurisdiction, sit and have jurisdiction, none of which has more than four terms a year, and one of which sits and has jurisdiction in not less than two other counties, and declaring an emergency."

Senator Oneal sent up the following amendment:

Amend S. B. No. 489 by adding immediately after Section 1 another section to be numbered and known as Section 1-a, and to read as follows:

"Section 1-a. This Act shall become effective eight o'clock A. M., May 1st, A. D., 1935. Section 1 of this Act shall not apply as to any trials already had where judgment has been rendered prior to the effective date of this Act, but the law applicable prior to the taking effect of this Act shall continue to apply as to those trials, and amend the caption to conform."

ONEAL.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time as amended and passed to engrossment by viva voce vote.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 489 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Cotten.
Burns.	Davis.
Collie.	DeBerry.

Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Oneal.	Westerfeld.
Pace.	Woodruff.
Poage.	

Absent—Excused.

Blackert.	Regan.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert.	Regan.
Fellbaum.	

Recess.

The motion to recess prevailed at 12:15 o'clock p. m., by viva voce vote.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by Senator Rawlings.

House Bill No. 327.

Pending business was H. B. No. 327 with committee amendments.

Notification Committee Appointed.

Senator Hopkins moved that a committee be appointed to notify Governor Woodul that the Senate was organized and ready for business. The motion prevailed by viva voce vote.

The Chair, Senator Rawlings presiding, appointed Senators Hopkins, DeBerry and Pace on the committee.

At Ease.

The Senate stood at ease for 10 minutes.

Senate Called to Order.

The Chair called the Senate to order at 2:10 o'clock, p. m.

Notification Committee Report.

The committee to notify the Governor appeared at the bar of the Senate and Senator DeBerry reported that the committee had performed its duty.

Senate Bill No. 442.

Senator Hill received unanimous consent to suspend the regular order of business and moved to set for special order S. B. No. 442 after the other special orders. The motion prevailed by viva voce vote.

S. C. R. No. 39.

Senator Hornsby received unanimous consent to suspend the regular order of business and sent up the following resolution:

Whereas, On the first day of November 1913, the State of Texas, through the Adjutant General's Department, by deed of purchase, acquired for military purposes, title to 16.66 acres of land adjacent to and adjoining the east line of the I. & G. N. Railway right-of-way, just east of Camp Mabry from the Stacy-Robbins Company, a Corporation, of Austin; and,

Whereas, Said tract of land is not now being used by the Adjutant General's Department for any purpose; and,

Whereas, The State Highway Department, being desirous of acquiring the use and possession of said tract for the purpose of erecting thereon improvements necessary in the construction and maintenance of the highways in this State, on or about February 29, 1932, the Adjutant General's Department, acting by and through the Adjutant General, and the Board of Control, with the consent and approval of the Governor, waived, released and surrendered its right and claim to the use of said tract as a military reservation, or for any other purpose, to

the State Highway Department for all lawful purposes within the power and authority of the State Highway Department; and,

Whereas, The State Highway Department, since said transfer was made, has erected thereon and equipped a laboratory, a division warehouse, and now proposes to erect other permanent improvements thereon; and,

Whereas, The State of Texas does not now own an entrance to Camp Mabry from the improved road along the south side thereof; and,

Whereas, The Adjutant General's Department is desirous of securing and improving an adequate entrance to Camp Mabry from the improved road along the south side thereof, but has no funds out of which to purchase the land necessary therefor; therefore be it

Resolved by the Senate, the House of Representatives concurring, That the transfer of the use and possession of the 16.66 acre tract above referred to, lying on the east side of and adjoining the I. & G. N. Railway right-of-way east of Camp Mabry is hereby validated and confirmed, and the use and possession of said tract is hereby transferred from the Adjutant General's Department to the State Highway Department for a cash consideration of Three Thousand Two Hundred Dollars (\$3,200.00) to be paid by the State Highway Department to the Adjutant General's Department; said tract lying and being situated in Travis County, State of Texas, and described by metes and bounds as follows, to-wit:

Part of the George W. Spear Head-right League, beginning at a point on the North side of the Mt. Bonnell Road 169.2 vrs. easterly from the center of the tract of the I. & G. N. R. R. Thence N. 7 degrees E. 724½ vrs. to a stone md. for the N. E. corner of this tract, from which a small elm marked "X" brs. S. 7 degrees E. 2½ vrs. and another brs. S. 87 degrees W. 4½ vrs. Thence N. 60 degrees W. 151.2 vrs. to the East right-of-way fence of the I. & G. N. R. R. rock mound for corner; thence S. 8½ degrees W. with said right-of-way fence to the East corner of a triangular tract of 7.42 acres

heretofore conveyed to the State of Texas; thence S. $4\frac{1}{2}$ degrees W. with said right-of-way fence 111.5 vrs. to a point in the north line of the Mt. Bonnell Road intersected by said fence, rock mound for corner, same being the south fence of the present encampment enclosure; thence S. $78\frac{1}{2}$ degrees E. 151.2 vrs. to the place of beginning; containing 16.66 acres of land, exclusive of the railroad right-of-way; and be it further

Resolved, That the Adjutant General of the State of Texas be authorized to expend said sum so received from the State Highway Department or so much thereof as may be necessary to acquire, with title to the State of Texas, and improve an adequate and appropriate entrance to Camp Mabry; and be it further

Resolved, That in the event the funds received from the State Highway Department are not sufficient for the purpose of acquiring and improving such entrance, then and in that event, the Adjutant General of Texas is hereby authorized to use any available funds heretofore appropriated out of the General Fund for the use of the Adjutant General's Department, in an amount not to exceed Three Thousand Two Hundred Dollars (\$3,200.00), for the purpose of supplementing said sum so received from the State Highway Department to acquire, with title to the State of Texas, and improve an appropriate and adequate entrance to Camp Mabry.

HORNSBY.

Read and referred to the Committee on State Affairs.

Bill Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 720.

Senator Excused.

Senator Regan was excused on account of important business on motion of Senator Rawlings.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger

from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 229, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 6,800 nor more than 6,900, according to the last Federal census, and declaring an emergency."

H. B. No. 320, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, common consolidated school districts, consolidated independent school districts, county line school districts, and rural high school districts, whether created by general or special law or by county boards of trustees, etc., and declaring an emergency."

H. B. No. 379, A bill to be entitled "An Act fixing the compensation of county commissioners in every county having a population of not less than nineteen thousand one hundred (19,100) or more than nineteen thousand two hundred (19,200) inhabitants, and in every county having a population of not less than eighteen thousand eight hundred (18,800) nor more than eighteen thousand nine hundred (18,900) inhabitants, according to the last preceding United States census, and providing how same shall be paid, etc., and declaring an emergency."

H. B. No. 392, A bill to be entitled "An Act to permit any county in this State wherein the United States Government has acquired or shall hereafter acquire large bodies of land embracing 1,000 acres or more, for purposes of reforestation, and whose assessed valuation of property is not less than \$40,000,000, to adopt, by majority vote of qualified voters of such county, a county unit system to the extent provided in this Act, etc., and declaring an emergency."

H. B. No. 442, A bill to be entitled "An Act to fix the salaries and compensation in counties with a population of not less than nine thousand

seven hundred and ten (9,710) inhabitants nor more than nine thousand seven hundred and twenty-five (9,725) inhabitants, according to the last Federal census, and counties with a population with not less than eighteen thousand five hundred and twenty-eight (18,528) inhabitants, nor more than eighteen thousand five hundred and fifty (18,550) inhabitants, according to the last Federal census as to population, etc., and declaring an emergency."

H. B. No. 463, A bill to be entitled "An Act amending Chapter 10, H. B. No. 88, Acts of the Second Called Session of the Forty-third Legislature, declaring the policy of the Legislature to provide for the general welfare by cooperation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors, and processors of milk and milk products; to correct disorganization of the milk industry; to set up codes of fair practice to eliminate unfair competition; to assure an adequate supply of wholesome milk, and to declare that the milk industry of Texas is affected with a public interest, etc., and declaring an emergency."

H. B. No. 510, A bill to be entitled "An Act to amend Article 1656a, Title 34, Subdivision 2, Revised Civil Statutes of Texas, being H. B. No. 875, Chapter 98, page 217, General and Special Laws enacted by the Forty-third Legislature at its Regular Session, 1933, providing that the county auditor in certain counties shall prescribe the system, forms, and reports to be used in connection with the receipt and disbursement of county revenues, funds, fees, and moneys received and disbursed by county and precinct officers, so as to include the district clerk and district attorney; providing for the repeal of all laws in conflict herewith; providing that if any part of this Act shall be declared unconstitutional it shall not affect the validity of the remainder, and declaring an emergency."

The House has passed the following resolutions:

H. C. R. No. 70, Granting T. G.

Allen of Navarro County permission to maintain a suit against the State Highway Commission of Texas for damages to real property.

H. C. R. No. 79, Granting Dr. C. R. Miller permission to bring suit against the State of Texas and/or the State Highway Department of Texas for personal damages.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 15, 1935.

Hon. Ken M. Regan, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 5, A bill to be entitled "An Act to protect trade-mark owners, distributors, and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, and to facilitate fair trade."

H. B. No. 581, A bill to be entitled "An Act regulating the use of the public highways for the transportation of Crude petroleum or the products of crude petroleum by trucks or other vehicles; making it unlawful for the driver or operator of any truck or other vehicle containing petroleum or products of petroleum to transport the same over the public highways of the State unless he has obtained from the person, firm or corporation from whom he received the products contained in his truck or vehicle, a certificate signed by such person, firm, or corporation, showing the name and residence of the driver or operator of such truck or vehicle; the numbers upon the license plate of such truck or vehicle; the day, hour, and place where such truck or vehicle was loaded and the destination of such load, etc., and declaring an emergency."

H. C. R. No. 76, Providing for the amendment of the joint rules of the House and Senate.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 15, 1935,
Hon. Ken M. Regan, President Pro
Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 176, A bill to be entitled "An Act to amend Article 4736 of the Revised Civil Statutes of the State of Texas, providing for the assessment of a penalty against life insurance, accident insurance, life and accident, health and accident, or, life, health and accident insurance companies in case of failure to pay any loss within thirty days after the demand therefor, and providing for twelve per cent damages on the amount of such loss, together with reasonable attorney fees, for the prosecution and collection of such loss, etc., and declaring an emergency."

H. B. No. 439, A bill to be entitled "An Act to amend Section 14, Chapter 186, S. B. No. 74, passed at the Regular Session, Thirty-ninth Legislature, as amended by Chapter 10, S. B. No. 24, passed at the Third Called Session, Forty-first Legislature, as amended by Chapter 79, S. B. No. 82, passed at the Fifth Called Session, Forty-first Legislature, as amended by Chapter 207, S. B. No. 531, passed at the Regular Session, Forty-third Legislature, so as to correct the reference to Article 6674n, in Section 1, Chapter 207, Acts of Regular Session, Forty-third Legislature, and making same refer to Section 14, Chapter 186, S. B. No. 74, passed at the Regular Session, Thirty-ninth Legislature; to confer authority on the State Highway Commission to purchase, or on failure to agree on price, then acting by and through the Attorney General of Texas or the county attorney in the county of which the land and/or materials is situated, to condemn land for any new or wider right of way or for materials necessary to any highway in connection with the locating, relocating, maintenance, or construction of such highway and/or to acquire by purchase or by condemnation the use or acquisition of land necessary for stream bed diversion in connection with the locating, relocating, main-

tenance, or construction of a designated State highway, and declaring an emergency."

H. B. No. 831, A bill to be entitled "An Act authorizing the separation or divorcement of public schools from municipal control in certain municipal school districts pursuant to an election to be held for that purpose; defining the term 'municipal school district' and the term 'governing body' of the city or town; prescribing the method of procedure precedent to calling such election; etc., and declaring an emergency."

H. B. No. 776, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer for a period of three years in Taylor County, Texas; fixing penalties, and declaring an emergency."

H. B. No. 784, A bill to be entitled "An Act amending Article 6885, Revised Civil Statutes of 1925, et seq., by limiting the duties of each constable to the serving of all process, warrants and precepts to the precinct to which he is elected, and declaring an emergency."

H. B. No. 792, A bill to be entitled "An Act to subject to taxation for school purposes certain land in Brazos County, Texas, owned by the State of Texas heretofore set aside to the Agricultural and Mechanical College."

H. B. No. 809, A bill to be entitled "An Act to amend Article 880 of the Penal Code of the State of Texas as amended by Chapter 23, Acts of the Forty-third Legislature at its Fourth Called Session in 1934, by permitting an exception, as defined, for Jefferson County, and declaring an emergency."

H. B. No. 834, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in Montgomery County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 838, A bill to be entitled "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt County for a period ending January 15, 1937, prescribing a penalty therefor, and declaring an emergency."

H. B. No. 841, A bill to be entitled

"An Act to declare a five (5) year closed season on wild fox in Palo Pinto County and making it unlawful to kill, take, or for anyone to have in his possession for barter or sale, after the passage of this Act, any wild fox or the pelts thereof; providing for a penalty for the violation of this Act, and declaring an emergency."

H. B. No. 908, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals in Cherokee County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 909, A bill to be entitled "An Act to prohibit the selling, taking or possession for barter or sale of wild fox or the pelt thereof; to prohibit the killing of wild fox; providing penalties; providing that the Act shall remain in effect for two years, and declaring an emergency."

H. B. No. 911, A bill to be entitled "An Act providing that it shall be unlawful to take or kill squirrel in Cherokee County during certain months; providing penalty for the violation thereof, and declaring an emergency."

H. B. No. 530, A bill to be entitled "An Act to amend Article 460, Title 16 of the Revised Civil Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

H. B. No. 531, A bill to be entitled "An Act to amend Article 3396, Title 54, of the Revised Civil Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

H. B. No. 532, A bill to be entitled "An Act to amend Article 1870 of the Revised Civil Statutes of Texas, Revision of 1925, and declaring an emergency."

H. B. No. 533, A bill to be entitled "An Act to repeal Article 566 of Title 18 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

H. B. No. 534, A bill to be entitled "An Act to amend Article 567 of Title 18 of the Revised Civil Statutes of the State of Texas of 1925, and declaring an emergency."

H. B. No. 535, A bill to be entitled "An Act to amend Article 6003 of the Revised Civil Statutes of Texas,

Revision of 1925, and declaring an emergency."

H. B. No. 537, A bill to be entitled "An Act to amend Article 3337, Title 54, of the Revised Civil Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

H. B. No. 538, A bill to be entitled "An Act to amend Article 3336, Title 54, of the Revised Civil Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act to repeal Article 3303, Title 54, of the Revised Civil Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

H. B. No. 540, A bill to be entitled "An Act to amend Article 3311, Title 54, of the Revised Civil Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

H. B. No. 541, A bill to be entitled "An Act to amend Article 3334, Title 54, of the Revised Civil Statutes of the State of Texas, Revision of 1925, as amended by Chapter 100, Acts of the Forty-first Legislature at its Regular Session in 1929, page 235 of the Acts of 1929, and declaring an emergency."

H. B. No. 542, A bill to be entitled "An Act to amend Subdivision 17 of Article 2092 of the Revised Statutes of the State of Texas, Revision of 1925, and declaring an emergency."

H. B. No. 543, A bill to be entitled "An Act to repeal Article 119, Title 4 of the Penal Code of the State of Texas, Revision of 1925, and declaring an emergency."

H. B. No. 561, A bill to be entitled "An Act fixing the salaries to be paid out of certain funds to county commissioners in counties having a population of not less than 38,765 and not more than 38,790 inhabitants, according to the last preceding Federal census, and declaring an emergency."

H. B. No. 589, A bill to be entitled "An Act to validate the purchase, pursuant to legislative enactment, of the property of any debtor or debtors at any sale under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, heretofore made by any county in this State whose population did not exceed 15,000, according to the last United States census, and which had a claim or claims for money against

any such person, partnership, corporation, joint stock, or other association, amounting to at least fifty per cent of all the claims against such debtor and where the commissioners court of any such county has deemed it necessary or advisable to so purchase said property to protect the interests of such county, etc., and declaring an emergency."

H. B. No. 595, A bill to be entitled "An Act amending Sections 2 and 3 of S. B. No. 209, Chapter 220, Acts of the Regular Session of the Forty-third Legislature (said Section 2 amending Article 3891 of the Revised Civil Statutes of 1925, as amended, and said Section 3 amending Article 3902, Revised Civil Statutes of 1925, as amended), and declaring an emergency."

H. B. No. 608, A bill to be entitled "An Act to amend Section 10 of Chapter 42 of the Acts of the Forty-third Legislature, Regular Session, pages 49-50, amending Section 10 of Chapter 42, with reference to the salary to be paid the deputy clerk of the County Court at Law of Jefferson County; providing that if any part of this Act be declared invalid the remainder of the Act shall not be affected, and declaring an emergency"

H. B. No. 614, A bill to be entitled "An Act to provide for the renewal and extension of oil and gas permit No. 11,752 on a portion of the Pecos River bed, providing for the placing of all income therefrom, and for all income from oil and gas development from river beds in Texas, in Permanent School Fund, and declaring an emergency."

H. B. No. 615, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild quail of any species for a period of three (3) years in Ector County, Texas; fixing penalty, and declaring an emergency."

H. B. No. 646, A bill to be entitled "An Act to amend Article 3417, Title 54, of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act to amend Article 3420, Title 54 of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency."

H. B. No. 648, A bill to be entitled "An Act to repeal Article 3316, Title 54, of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency."

H. B. No. 649, A bill to be entitled "An Act to amend Article 3317, Title 54, of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency."

H. B. No. 650, A bill to be entitled "An Act to amend Article 3476, Title 54, of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency."

H. B. No. 651, A bill to be entitled "An Act to amend Article 4115, Title 69, of the Revised Statutes of the State of Texas, revision of 1925, and declaring an emergency."

H. B. No. 652, A bill to be entitled "An Act to amend Article 4231, Title 69, of the Revised Statutes of Texas, revision of 1925, and declaring an emergency."

H. B. No. 653, A bill to be entitled "An Act to amend Article 4291, Title 69, of the Revised Statutes of Texas, revision of 1925, and declaring an emergency."

H. B. No. 654, A bill to be entitled "An Act to amend Article 4299, Title 69, of the Revised Civil Statutes of the State of Texas, revision of 1925, and declaring an emergency."

H. B. No. 688, A bill to be entitled "An Act to amend Section 1 of Chapter 117, being H. B. No. 847, passed by the Forty-second Legislature of the State of Texas appears from page 229 of the Special Laws of said Forty-second Legislature, so as to make the provisions for repurchase applicable and effective, and declaring an emergency"

H. B. No. 690, A bill to be entitled "An Act to provide a schedule of weights whereby the load weight of lumber being hauled by trucks on the highways of this State can be determined, and declaring an emergency."

H. B. No. 710, A bill to be entitled "An Act further regulating and providing a means and method of securing service of process on Federal relief agencies operating and doing business in the State of Texas, including Federal Housing Administration Home Owners Loan Corporation, any National mortgage association, any National mortgage savings and

loan insurance corporation, created and/or to be created by or under authority of an Act of the Congress of the United States of America, requiring such corporations and/or agencies to designate and appoint a service agent, upon whom service of process may be had, and declaring an emergency."

H. B. No. 715, A bill to be entitled "An Act to amend Chapter 207 of the Acts of the Forty-first Legislature, otherwise known as Article 3899b (which authorizes the commissioners' courts to pay from county funds various expenses of certain officers), by adding thereto a section to be known as Section 3 of said Act, providing that in all counties having a population in excess of three hundred and fifty-five thousand (355,000) inhabitants, according to the preceding or any future Federal census, the district attorney or criminal district attorney may be allowed, by order of the commissioners court of his county, such amount as said court may deem necessary to pay for, or aid in, the proper administration of the duties of such office, not to exceed twenty-five hundred dollars (\$2,500) in any one calendar year, etc., and declaring an emergency."

H. B. No. 729, A bill to be entitled "An Act declaring it to be a misdemeanor for any person, with intent to defraud, to make, draw, utter, or deliver any check, draft, or order for the payment of money, knowing at the time of such making, drawing, uttering, or delivering such check, draft, or order that the maker or drawer has not sufficient funds in or credit with the drawee for the payment of such check, draft, or order, in full, upon its presentation, etc., and declaring an emergency."

H. B. No. 743, A bill to be entitled "An Act amending Article 1104, Article 1105, Article 1106, and Article 1111 of the Penal Code, and declaring an emergency."

H. B. No. 750, A bill to be entitled "An Act amending Article 4000, Title 65, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision excepting farm products when offered for sale by the producer, from the operation of the article, and declaring an emergency."

The House has adopted the Conference Committee report on H. B. No. 388 by a vote of 115 yeas and 0 nays.

The House has adopted the following resolution:

S. C. R. No. 35, Petitioning and requesting the members of Congress to oppose the adoption of the so-called "Thomas Bill," etc.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolutions Referred.

H. B. No. 392 was referred to the Committee on Educational Affairs.

H. B. No. 229 was referred to the Committee on State Affairs.

H. B. No. 320 was referred to the Committee on Educational Affairs.

H. B. No. 379 was referred to the Committee on State Affairs.

H. B. No. 442 was referred to the Committee on State Affairs.

H. B. No. 463 was referred to the Committee on Agriculture.

H. B. No. 510 was referred to the Committee on State Affairs.

H. B. No. 530 was referred to the Committee on Banking.

H. B. No. 531 was referred to the Committee on Civil Jurisprudence.

H. B. No. 532 was referred to the Committee on Civil Jurisprudence.

H. B. No. 533 was referred to the Committee on Civil Jurisprudence.

H. B. No. 534 was referred to the Committee on Civil Jurisprudence.

H. B. No. 535 was referred to the Committee on Civil Jurisprudence.

H. B. No. 537 was referred to the Committee on Civil Jurisprudence.

H. B. No. 538 was referred to the Committee on Civil Jurisprudence.

H. B. No. 539 was referred to the Committee on Civil Jurisprudence.

H. B. No. 540 was referred to the Committee on Civil Jurisprudence.

H. B. No. 541 was referred to the Committee on Civil Jurisprudence.

H. B. No. 542 was referred to the Committee on Civil Jurisprudence.

H. B. No. 543 was referred to the Committee on Criminal Jurisprudence.

H. B. No. 561 was referred to the Committee on State Affairs.

H. B. No. 589 was referred to the Committee on Civil Jurisprudence.

H. B. No. 595 was referred to the Committee on State Affairs.

H. B. No. 608 was referred to the Committee on State Affairs.

H. B. No. 614 was referred to the

Committee on Mining, Irrigation and Drainage.

H. B. No. 615 was referred to the Committee on Game and Fish.

H. B. No. 646 was referred to the Committee on Civil Jurisprudence.

H. B. No. 647 was referred to the Committee on Civil Jurisprudence.

H. B. No. 648 was referred to the Committee on Civil Jurisprudence.

H. B. No. 649 was referred to the Committee on Civil Jurisprudence.

H. B. No. 650 was referred to the Committee on Civil Jurisprudence.

H. B. No. 651 was referred to the Committee on Civil Jurisprudence.

H. B. No. 652 was referred to the Committee on Civil Jurisprudence.

H. B. No. 653 was referred to the Committee on Civil Jurisprudence.

H. B. No. 654 was referred to the Committee on Civil Jurisprudence.

H. B. No. 688 was referred to the Committee on State Affairs.

H. B. No. 690 was referred to the Committee on Commerce and Manufacture.

H. B. No. 710 was referred to the Committee on Federal Relations.

H. B. No. 715 was referred to the Committee on State Affairs.

H. B. No. 729 was referred to the Committee on Criminal Jurisprudence.

H. B. No. 743 was referred to the Committee on Criminal Jurisprudence.

H. B. No. 750 was referred to the Committee on Civil Jurisprudence.

H. B. No. 776 was referred to the Committee on Game and Fish.

H. B. No. 784 was referred to the Committee on Civil Jurisprudence.

H. B. No. 792 was referred to the Committee on State Affairs.

H. B. No. 809 was referred to the Committee on Game and Fish.

H. B. No. 834 was referred to the Committee on Game and Fish.

H. B. No. 841 was referred to the Committee on Game and Fish.

H. B. No. 908 was referred to the Committee on Game and Fish.

H. B. No. 909 was referred to the Committee on Game and Fish.

H. B. No. 911 was referred to the Committee on Game and Fish.

H. B. No. 838 was referred to the Committee on Game and Fish.

H. B. No. 176 was referred to the Committee on Insurance.

H. B. No. 439 was referred to the Committee on State Highways and Motor Traffic.

H. B. No. 831 was referred to the Committee on Educational Affairs.

H. C. R. No. 70 was referred to the Committee on State Highways and Motor Traffic.

H. C. R. No. 79 was referred to the Committee on State Highways and Motor Traffic.

H. B. No. 581 was referred to the Committee on State Affairs.

H. B. No. 5 was referred to the Committee on Commerce and Manufacture.

H. C. R. No. 78 was referred to the Committee on Mining, Irrigation and Drainage.

H. C. R. No. 76 was referred to the Committee on Rules.

Senate Bill No. 502.

Senator Moore received unanimous consent to take up out of regular order S. B. No. 502.

The Chair laid before the Senate:
By Senator Moore:

S. B. No. 502, A bill to be entitled "An Act to amend Article 8245 of the Revised Civil Statutes of Texas, 1925, providing for the employment of persons necessary for the construction, maintenance, operation, and development of navigation districts, their business and facilities, prescribing their duties and compensation in counties having a navigation district in which there is a city of more than 100,000 in population according to the last preceding Federal census, and in which navigation district an election has resulted favorably to the development of a port as provided in Subdivision 2 of Title 128, Revised Civil Statutes of Texas, 1925, etc., and declaring an emergency."

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 502 was put on its second reading by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert. Regan.
Fellbaum.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 502 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert. Regan.
Fellbaum.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert. Regan.
Fellbaum.

House Bill No. 327.

Pending business was H. B. No. 327 with committee amendments.

The question recurred on adoption of committee amendments.

Committee Amendment No. 3.

Amend H. B. No. 327, Section 5, page 5, by eliminating the words "sixty-five (65)" wherever they appear in said section and inserting in lieu thereof the word "seventy (70)." Read.

Motion to Table.

Senator Burns moved to table committee amendment No. 3.

The motion prevailed by the following vote:

Yeas—13.

Beck.	Pace.
Burns.	Redditt.
Cotten.	Shivers.
DeBerry.	Stone.
Hill.	Sulak.
Hopkins.	Westerfeld.
Moore.	

Nays—10.

Collie.	Oneal.
Davis.	Poage.
Duggan.	Rawlings.
Holbrook.	Sanderford.
Hornsby.	Small.

Absent.

Martin. Neal.

Absent—Excused.

Blackert. Van Zandt.
Fellbaum. Woodruff.
Regan.

Committee Amendment No. 5.

Amend H. B. No. 327 by eliminating entire Section 7-a thereof on page 6, and inserting in lieu thereof the following:

"Provided the State Superintendent shall take into consideration, in fixing allowances to school districts, any loss sustained by said district by reason of the Federal Government buying lands for national forests, and by reason of the location in said districts of university lands, and the State Superintendent shall be authorized to make allocations to said districts by virtue of losses sustained by said districts by reason of Federal purchase of lands, and the location

of university lands, the amounts to be fixed by the State Superintendent based upon existing facts and circumstances as applicable to all other school districts."

Read and adopted.

Committee Amendment No. 6.

Amend H. B. No. 327, Section 11, page 8, by striking out all of said section beginning with the word "and" in the sixth line from the bottom on said page 8, and immediately following the word "county," and inserting the following:

"It is further provided that the districts through which these buses travel may make provisions with the county superintendent and the county school board to have any other children not provided for herein, transported within and between their respective districts, and said districts may make application for State aid thereon to an amount not to exceed one dollar (\$1.00) per month per pupil. Provided, that where regular buses do not run in sparsely settled sections of counties which are operating under a county unit system, the county school board and county superintendent are authorized to make provisions for the transportation of pupils other than high school pupils within said districts, and may make application for State aid thereon to an amount not to exceed one dollar (\$1.00) per month per pupil. Providing that all school districts containing one hundred (100) square miles of territory, or more, may receive transportation aid of two dollars (\$2.00) per month per pupil."

Read and adopted.

Committee Amendment No. 7.

Amend H. B. No. 327, Section 13, pages 11 and 12, by eliminating all of that portion of said Section 13 beginning with line "It is herein specifically provided that four million dollars (\$4,000,000)—" on page 11, and inserting in lieu thereof:

"It is herein provided that the State Board of Education (Vocational Education) shall have the authority to set aside sufficient funds from this appropriation to match Federal funds for vocational agriculture, home economics, trades and industries, and general rehabilitation according to the Federal laws governing vocational education; and providing further that said State Board of Education (Vocational Education)

shall have the power to set aside whatever money is necessary to support the State's rehabilitation program for crippled children, not to exceed one hundred and fifty thousand dollars (\$150,000) for each year of the biennium."

Read.

Senator DeBerry sent up the following:

"Substitute for committee amendment No. 7. Amend Section 13 by striking out all of Section 13 after the word biennium in line 19."

DeBERRY.

Read.

Motion to Table.

Senator Holbrook moved to table the substitute amendment.

The motion to table lost by the following vote:

Yeas—8.

Burns.	Redditt.
Holbrook.	Shivers.
Moore.	Stone.
Neal.	Sulak.

Nays—15.

Beck.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Westerfeld.
Hornsby.	Woodruff.
Martin.	

Absent.

Hopkins.	Van Zandt.
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Absent—Excused.

Blackert.	Regan.
Fellbaum.	

(Pair Recorded.)

Senator Poage (present), who would vote yea, with Senator Davis (absent) who would vote nay.

The substitute by Senator DeBerry was adopted by the following vote:

Yeas—16.

Beck.	Martin.
Collie.	Neal.
Cotten.	Oneal.
Davis.	Pace.
DeBerry.	Rawlings.
Duggan.	Sanderford.
Hill.	Westerfeld.
Hornsby.	Woodruff.

Nays—11.

Burns.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Moore.	Sulak.
Poage.	Van Zandt.
Redditt.	

Absent—Excused.

Blackert.	Regan.
Fellbaum.	

Senator Moore sent up the following substitute for the substitute by Senator DeBerry:

Amend H. B. No. 327 by striking out "\$4,000,000" in line 10 and inserting in lieu thereof the figures "\$3,900,000" and by inserting "\$250,000" in lieu of "\$150,000" in line 17.

MOORE.

Read.

Motion to Table.

Senator DeBerry moved to table the substitute offered by Senator Moore.

The motion to table lost by the following vote:

Yeas—11.

Collie.	Neal.
Cotten.	Oneal.
Davis.	Pace.
DeBerry.	Poage.
Duggan.	Woodruff.
Hornsby.	

Nays—16.

Beck.	Redditt.
Burns.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Rawlings.	Westerfeld.

Absent—Excused.

Blackert.	Regan.
Fellbaum.	

The question recurred on the adoption of the substitute offered by Senator Moore.

Motion to Lay on Table Subject to Call.

Senator Beck moved to lay on the table subject to call H. B. No. 327 and all pending amendments.

Senator Beck withdrew his motion.

Senator Van Zandt asked unanimous consent to withdraw the amendment temporarily.

There was objection.

Senator Collie moved to lay the amendment on the table subject to call.

Motion to Table.

Senator Woodruff moved as a substitute to table the amendment.

Point of Order.

Senator Moore raised the point of order that the motion to table had been made and lost by a recorded vote.

The Chair sustained the point of order.

Senator Collie withdrew his motion to lay on the table subject to call.

Motion to Recess.

Senator Moore at 5:57 o'clock p. m., moved that the Senate recess until 10:00 o'clock a. m. Tuesday.

Motion pending.

House Bill No. 475.

Senator Cotten received unanimous consent to suspend the regular order of business and moved that H. B. No. 475, together with the Governor's message with regard to same, and his motion to spread on the Journal, be laid on the table subject to call.

The motion prevailed by viva voce vote.

Motion to Recess.

Senator Woodruff moved that the Senate recess until 9:00 o'clock a. m. Tuesday.

Recess.

The question recurred on the motion to recess until 10:00 a. m. Tuesday.

The motion prevailed by the following vote:

Yeas—16.

Beck.	Neal.
Burns.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
Duggan.	Shivers.
Holbrook.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.

Nays—8.

Collie.	Oneal.
DeBerry.	Redditt.
Hill.	Small.
Hornsby.	Woodruff.

Absent.

Hopkins.	Westerfeld.
Sanderford.	

Absent—Excused.

Blackert.	Regan.
Fellbaum.	

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 498 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 489 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 502 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred S. B. No. 498,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

STONE, Chairman.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 497, A bill to be entitled "An Act to provide that the District Attorney of the 12th Judicial District of Texas shall receive the same per diem for not to exceed fifty days in excess of the maximum number of days provided by the Acts of the Regular Session of the 43rd Legislature as he receives now under provisions of said acts; providing that nothing herein shall change the law effective on this date with reference to the expenses of said District Attorney while in the performance of his official duties outside of the county of his residence; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

MARTIN, Chairman.

Committee Room,
Austin, Texas, April 12, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 107, A bill to be entitled "An Act making it unlawful after January 1, 1936, to operate on any public highway or street, a motor vehicle manufactured or assembled after said date, designed or used to carry passengers for hire, or as a public conveyance to transport school children or others, unless such vehicle be equipped with safety glass."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 188, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 2 in the County of Johnson; to place such indebtedness on a parity

with bonds, warrants, and other evidence of indebtedness heretofore authorized to be paid out of the "County and District Road Highway Fund," etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, April 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 502, A bill to be entitled "An Act to amend Article 8245 of the Revised Civil Statutes of Texas, 1925, providing for the employment of persons necessary for the construction, maintenance, operation, and development of Navigation Districts, their business and facilities, prescribing their duties and compensation in counties having a navigation district in which there is a city of more than 100,000 in population according to the last preceding Federal census, and in which navigation district an election has resulted favorably to the development of a port as provided in Subdivision 2 of Title 128, Revised Civil Statutes of Texas, 1925, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, April 10, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 491, A bill to be entitled "An Act changing the time of holding the District Court in the 49th Judicial District, and providing that all processes and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of District Court in counties composing said district, together with jurors heretofore selected, are valid and returnable to the first terms of such Court after this Act takes effect, and providing for the continuation of the existing District Courts in said counties in session when this Act takes effect, to

the end of their terms; repealing all conflicting laws; fixing the effective date of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and that it be printed in bill form.

SMALL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 491 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Subsection 49, Article 199, Title 8 of the Revised Civil Statutes of Texas, 1925, revision, be amended so as to hereafter read as follows:

"The 49th Judicial District of Texas shall be composed of the counties of Dimmit, Zapata, Jim Hogg and Webb, and the District Courts shall be held therein each year as follows:

In Dimmitt County on the first Monday in February and September of each year, and may continue in session three weeks; and on the fourteenth Monday after the first Monday in February of each year and may continue in session two weeks.

In Zapata County on the third Monday after the first Monday in February and September of each year, and may continue in session one week; and on the sixteenth Monday after the first Monday in February of each year, and may continue in session one week.

In Jim Hogg County on the fourth Monday after the first Monday in February and September of each year, and may continue in session two weeks; and on the seventeenth Monday after the first Monday in February of each year, and may continue in session two weeks.

In Webb County as follows:

One term beginning on the sixth Monday after the first Monday in February of each year, and may continue in session eight weeks.

One term beginning on the nineteenth Monday after the first Monday in February of each year, and may continue in session eight weeks.

One term beginning on the sixth Monday after the first Monday in September of each year, and may continue in session eight weeks.

One term beginning on the fourteenth Monday after the first Mon-

day in September of each year, and may continue in session seven weeks.

Sec. 2. All processes, all writs and bonds, civil and criminal, issued or executed prior or subsequent to the taking effect of this Act and returnable to the terms of said Court as heretofore fixed by law in the several counties composing the 49th Judicial District, as well as all grand and petit jurors, are hereby made returnable to the terms of said Court as said terms are here now fixed by this Act and in conformity with the change herein made, and all bonds executed and recognizances entered into in said Court shall bind the parties for their appearances or to fulfill the obligations of such bonds and recognizances at the terms of said courts as they are fixed by this Act, and all process of every kind and character heretofore taken or hereafter entered into after this Act takes effect in any of said courts in said district shall be as valid and as binding as if no change had been made in the time of holding said courts.

It is further provided, that if any court in any county of said district shall be in session at the time this Act takes effect, such court or courts affected hereby shall continue in session until the term thereof shall expire under the provisions of existing laws, but thereafter the court in such county shall conform to the requirements of this Act.

Sec. 3. This Act shall take effect and be in force from and after August 15, 1935.

Sec. 4. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Sec. 5. The importance of this legislation and the necessity for the readjustment of the times of holding courts in the four counties composing the 49th Judicial District creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, therefore said constitutional rule is hereby suspended, and that this Act shall take effect and be in full force and effect from and after August 15, 1935, and it is so enacted.

NEAL.

Committee Amendment No. 2.

Amend the caption to conform with the body of the bill.

Committee Room,

Austin, Texas, April 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 392, A bill to be entitled "An Act to permit any county in this State wherein the United States Government has acquired or shall hereafter acquire large bodies of land embracing one thousand (1,000) acres or more, for purposes of reforestation, and whose assessed valuation of property is not less than forty million dollars (\$40,000,000), to adopt by majority vote of qualified voters of such county a county unit system to the extent provided in this Act; making provisions for the formation of a countywide school district therein; making provision for holding election in each such county on the question of the adoption of the provisions of this Act; making provision for holding an election in each such county to determine whether an equalization tax not to exceed twenty-five (25) cents on the one hundred dollars (\$100) valuation of property shall be levied and collected annually on all taxable property in the county, such tax to be distributed to the school districts of the county as herein provided; making provision for the assessment and collection of said equalization tax, and prescribing the duties of the county tax assessor and collector and county superintendent; prescribing the duties of the county board of school trustees with respect to such tax and the funds derived therefrom; providing that all rights, duties and powers of the several common and independent school districts in any such county shall remain undisturbed and shall not be affected, except as expressly provided in this Act, providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be not printed.

DUGGAN, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 392, Section 7, page 5, by striking out all of Section 7 and substitute therefor the following:

"The county board of school trus-

tees shall distribute the money collected from any taxes levied by said district to the common and independent districts of the county on a per capita basis according to the number of scholastic pupils shown by the last preceding official scholastic census, and county line districts shall be eligible to receive such per capita apportionment based upon the number of scholastic pupils residing in the county of such equalization district, as shown by the latest official scholastic census of such district. The county board of school trustees shall issue warrants against such equalization fund to the school district trustees on a per capita basis of scholastic pupils in each district; provided that the county board may, from time to time, as the money is collected, issue warrants to the various school districts in proportion to the amount that each is entitled to receive on such per capita basis of scholastic pupils in the respective districts."

Committee Amendment No. 2.

Amend H. B. No. 392, Section 4, page 3, by adding the following at the end of said section:

"No election to revoke said tax shall be ordered until the expiration of three years from the date of the election at which said tax was adopted."

Committee Amendment No. 3.

Amend H. B. No. 392, Section 4, page 4, by adding after the word "election" the following:

"The form of ballot is substantially as follows:

'For County Tax.
'Against County Tax.'"

Committee Amendment No. 4.

Amend H. B. No. 392, Section 2, page 3, by adding after the word "election" in line 2 the following:

"The form of ballot shall be substantially as follows:

'For equalization district
'Against Equalization District.'"

Committee Amendment No. 5.

Amend H. B. No. 392, Section 1, line 3, after the word "more" by adding the following:

"Or wherein such lands have been approved by the United States Government for purchase."

Committee Room,
Austin, Texas, April 15, 1935,
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 265,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RAWLINGS, Chairman.

Committee Room,
Austin, Texas, April 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 101, A bill to be entitled "An Act providing the period of time when it shall be lawful to kill wild mourning doves, wild quail of all varieties, wild Chachalaca, wild White Winged doves in the North and South zones of this State as defined by Article 878, Penal Code, as amended by Chapter 222, Regular Session Fortieth Legislature; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but committee substitute together with committee amendment hereto attached do pass and be printed in bill form.

SHIVERS, Chairman.

Committee Amendment.

Amend C. S. H. B. No. 101, by striking out Section 6, and substituting the following:

"All laws or parts of laws except local game laws in conflict with this Act shall be and the same are hereby repealed."

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 493, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas 1925, as amended in Chapter 245 of the Acts of the Regular Session of the For-

tieth Legislature of Texas, as amended, so as to include in said Article the County of Kent; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DeBERRY, Chairman.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Frank H. Rawlings, President
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 39,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 500, A bill to be entitled "An Act to amend Section 4, S. B. No. 9, Chapter 5, Acts Second Called Session, Forty-third Legislature, and S. B. No. 118, Regular Session, Forty-fourth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,
Austin Texas, April 15, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 505, A bill to be entitled "An Act authorizing the Lower Colorado River Authority to issue bonds not to exceed Twenty Million (\$20,000,000.00) Dollars in aggregate principal amount, repealing that portion of the Colorado River Authority Act limiting the amount of bonds which may be issued by such district to Ten Million (\$10,000,000.00) Dol-

lars, and all other laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. K. M. Regan, President Pro
Tempore of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 589, A bill to be entitled "An Act to validate the purchase, pursuant to legislative enactment, of the property of any debtor or debtors at any sale under any proceedings in bankruptcy, receivership, or in any other judicial proceeding whatever, heretofore made by any county in this State whose population did not exceed fifteen thousand (15,000) according to the last United States census, and which had a claim or claims for money against any such person, partnership, corporation, joint stock or other association, amounting to a least fifty (50) per cent of all the claims against such debtor and where the commissioners' court of any such county has deemed it necessary or advisable to so purchase said property to protect the interests of such county; to validate all conveyances, transfers and assignments to any such county of real and personal property so purchased; to validate the liquidation of such assets by the commissioners' court of any such county, heretofore done; to validate all sales, conveyances, transfers and assignments of real and personal property, oil, gas and mineral leases, and other transfers, conveyances and assignments made by any such county to any and all purchasers in connection therewith, whether such sales were made at public or private sale, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman

Committee Room,
Austin, Texas, April 15, 1935
Hon. Frank H. Rawlings, President
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 581, A bill to be entitled "An Act defining the terms or phrases 'commission,' 'order of the commission,' 'oil,' 'crude oil,' 'gas,' 'product,' 'unlawful oil,' 'unlawful product,' 'unlawful gas,' 'tender,' 'manifest,' 'person'; prohibiting the transportation by truck or motor vehicle of unlawful oil and unlawful product; providing for the cancellation of tenders and manifests; empowering commission agents, any highway patrolman or peace officer on probable cause to stop and without warrants to arrest any driver violating provisions of this Act; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred H. B. No. 304,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, April 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 61, A bill to be entitled "An Act declaring the Collard Peccary or Javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of any Peccary or part of such animal; providing suitable penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIVERS, Chairman.

Committee Room,
Austin, Texas, April 12, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 405, A bill to be entitled "An Act providing for a closed season on the killing or possession of squirrels in the Counties of Brazos, Grimes, Leon, Limestone, Madison, Robertson, and Walker from the 1st day of January of each year through and including 15th day of May of each year, and during the months of August and September of each year; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be not printed.

SHIVERS, Chairman.

Committee Amendment.

Amend H. B. No. 405 by striking out the word "Walker" throughout the bill, and amend the caption to conform thereto.

Committee Room,
Austin, Texas, April 15, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 699, A bill to be entitled "An Act to amend Article 928, of Chapter 1, of Title 12, of the Code of Criminal Procedure of the State of Texas, of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

STONE, Chairman.

Minutes of Committee Meetings.

Minutes of the Game, Fish and Oyster Committee, Held
April 12, 1935.

Present: Shivers, Chairman; Holbrook, Cotten, Small, Oneal, Pace, Redditt, and Sulak.

H. B. No. 61, reported favorably by viva voce vote.

H. B. No. 405, with committee amendment, reported favorably by viva voce vote.

Committee Substitute for H. B. No. 101, with committee amendment, reported favorably by viva voce vote.

HAZEL AVERY, Secretary.